

VZCZCXRO9702
OO RUEHDBU
DE RUEHMO #5006/01 2881421
ZNY CCCCC ZZH
O 151421Z OCT 07
FM AMEMBASSY MOSCOW
TO RUEHC/SECSTATE WASHDC IMMEDIATE 4620
INFO RUEHZG/NATO EU COLLECTIVE PRIORITY
RUCNCIS/CIS COLLECTIVE PRIORITY

C O N F I D E N T I A L SECTION 01 OF 04 MOSCOW 005006

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E.O. 12958: DECL: 10/10/2017
TAGS: [PREL](#) [PINR](#) [PBTS](#) [MARR](#) [OSCE](#) [MD](#) [RS](#)
SUBJECT: A/S FRIED DISCUSSES CFE WITH DFM KISLYAK ON EVE OF
2+2 VISIT

Classified By: AMBASSADOR WILLIAM J. BURNS FOR REASON 1.4 (B,)

11. (C) Summary: On October 11, A/S Fried and U/S Defense Edelman continued bilateral discussions with DFM Sergey Kislyak on the U.S.-proposed CFE parallel actions plan in advance of October 12-13 2 2 talks. Fried warned that if Russia followed through on its threat to suspend implementation of the current CFE Treaty in December, the effect would not be to promote negotiations aimed at maintaining the Treaty, as Russia claimed to believe. Rather, Russian suspension would make it difficult for any NATO Ally to ratify the Adapted Treaty and would erode the viability of the CFE regime. Fried urged Kislyak to take seriously the U.S. approach. Kislyak expressed appreciation for U.S. willingness to identify a process intended to break the impasse on CFE but argued that the parallel actions plan was substantively insufficient. Kislyak encouraged the U.S. to consider provisional application of A/CFE by all CFE States Parties, accompanied by near-term political commitments to address Russia's key CFE and related concerns (including on renegotiation of flank limitations after entry into force and a definition of substantial combat forces). Fried countered that it might be possible to address some of Russia's concerns via political commitments, but only in the context of a package approach that addressed remaining Istanbul Commitments on Moldova and Georgia. Kislyak underscored that Russia's aim was not to pull out, but achieve entry into force of the A/CFE. End Summary.

U.S. Ready and Willing to Negotiate

12. (C) Following bilateral meetings in Washington and Paris and the informal seminar in Berlin, Assistant Secretary Daniel Fried and Under Secretary of Defense Eric Edelman met with Deputy Foreign Minister Sergey Kislyak on October 11 to build on discussions regarding the U.S.-proposed parallel actions plan. Fried recalled that the USG had developed its "parallel actions plan" to break the impasse on ratification of Adapted CFE by NATO Allies and fulfillment of remaining Istanbul Commitments by Russia. Noting that Russia has not provided a definitive response to the U.S. proposal, Fried said the USG was prepared to address Russian concerns raised in previous meetings. He reviewed his recent conversations with Allies on the plan, and confirmed that a number of them are willing to initiate A/CFE Treaty ratification procedures as soon as Russia agrees to the parallel actions approach. Fried said Allies did not need Russia to publicly accept NATO's linkage between Istanbul Commitments and ratification, but Russia must be willing to work with the Allies to creatively resolve these issues.

Russia Says Plan Overlooks Key Concerns

13. (C) Kislyak noted that Russia was pleased with certain elements of the parallel actions plan, including the idea of

consultations on Baltic States' accession to the CFE Treaty. More generally, however, Kislyak said the plan was substantively insufficient, though the concept of a step-by-step approach was acceptable. He asserted that the parallel actions approach maintained an "unacceptable linkage" between the Istanbul Commitments and the ratification of the A/CFE Treaty (Note: This is a neuralgic point with Russia, and one Kislyak did not dwell on in the Paris or Washington discussions of CFE. End note.)

¶4. (C) Kislyak asserted that the remaining Istanbul Commitments and the A/CFE Treaty are both important but one has nothing to do with the other. He reiterated Russia's position that to move forward on A/CFE, the U.S. had to break the linkage. Kislyak also stated that Russia views the parallel actions plan as providing the NATO Allies with results (i.e., the withdrawal of Russian forces from Moldova and Georgia), while Russia receives only promises and "processes" on ratification. For example, there is no guarantee that the Allies, particularly the U.S., would complete ratification once Russia withdrew its PKF and equipment from Moldova and Georgia.

¶5. (C) Kislyak underscored that the parallel actions plan allows Moldova and Georgia, which are "not nearly as interested" in the ratification of the A/CFE Treaty as Russia and the Allies, to use the Treaty as an instrument to push their own interests with regard to solving the conflicts within their respective borders. Kislyak asserted that the Treaty will never enter into force because it depends on the position of Georgia and Moldova, both of whom will constantly move the goal posts.

Additional Elements Must Be Added to Plan

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¶6. (C) As a way forward, Kislyak reiterated Russia's proposal for provisional application of the A/CFE Treaty as a way to get beyond the impasse. This would address Russia's uncertain prospects for U.S. ratification of Adapted CFE. Russia would also want other steps: a political commitment reflecting agreement on a resolution of Russia's flank concerns on Russia's terms that would take effect immediately after entry into force of the Adapted Treaty; and steps to address other Russian desiderata, including collective CFE ceilings for NATO, and a definition of substantial combat forces.

U.S. Attempts to Address Russian Concerns

¶7. (C) Rejecting Kislyak's claim that the U.S. has hardened its position on Istanbul and ratification of Adapted CFE, Fried reminded that Russia, and not the U.S., has threatened to suspend its participation in the CFE Treaty. Fried underscored USG interest in finding a way forward on A/CFE, noting that the current version of the parallel actions plan is not set in stone. Fried outlined for Kislyak USG proposals to build on the plan and facilitate the fulfillment of Russia's Istanbul Commitments.

Transnistria - Marshall Center Conference

¶8. (C) In response to Russia's insistence on the achievement of a political settlement between Chisinau and Tiraspol as a precondition for internationalizing the Russian PKF in Transnistria, Fried suggested convening a conference at a location such as the German Marshall Center to discuss both issues related to a settlement and the internationalization of the current PKF. All parties to the "5 2" would be invited. Noting that Moldova would likely agree to this approach, Fried said that the U.S. would encourage Moldova to issue a statement declaring its commitment to peacefully

resolve the conflict. Ideally, the conference would produce an agreement on the internationalization of the PKF and accelerated negotiations on the settlement of Transnistria.

¶9. (C) Kislyak commented that the Marshall Center conference proposal, in its present format, is "putting the cart before the horse." From Russia's perspective, the conference would need to focus on a settlement, and only after that should the international community focus on the internationalization of the PKF. He doubted Russia would support a conference that produced an internationalization of the PKF and only a commitment to continue talks on Transnistria. However, when DAS Kramer commented that MFA Transnistria Negotiator Ambassador Nesterushkin suggested to the U.S. the conference idea, Kislyak agreed to consult with Nesterushkin.

¶10. (C) Kislyak added that legally, the 1992 agreement between Moldova and Russia on the presence of the Russian, Moldovan, and Transnistrian peacekeeping forces remains in effect. Kislyak disputed USG assertions that Moldova has formally called for the withdrawal of the Russian forces and munitions stockpiles. He noted that Russia had already withdrawn 40 tons of munitions, but the withdrawal stopped when the political conditions unraveled in 2003-2004. Fried challenged Kislyak's assertion that there is no legal or practical way to move beyond the 1992 Agreement, noting that Russian officers would remain part of the international PKF to provide continuity.

¶11. (C) On a practical level, Kislyak stressed that in the absence of a political agreement between Chisinau and Tiraspol, only the Russian PKF would be acceptable to the Transnistrians and thus only Russian PKF would be able to maintain stability in the region. Kislyak added that Russia also needed to consider the safety of Russian citizens living in the country. Kislyak added that even under the best circumstances, Russia would not be able to withdraw its ammunition from Transnistria by December 31, in accordance with the parallel actions plan. Kramer explained that the sense of urgency was driven by Russia's looming suspension from the Treaty December 12.

Gudauta - Relocation of Russian PKF

¶12. (C) Fried expressed appreciation for constructive discussions on Gudauta issues with Russian Ambassador at Large Chernov, which had helped to clarify Russian thinking. Fried said the U.S. was not trying to solve the Abkhaz issue via the Istanbul Commitments; at issue now was one question, the Russian presence at Gudauta. As long as the Russian PKF

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remained a fact of life in the region, we could understand as a practical matter Russia's need to provide it with logistical support. The question was why that support required a Russian presence at the Gudauta base. Gudauta was far outside the security zone.

¶13. (C) Recalling Chernov's comments (to EUR/RPM Deputy Director Jennifer Laurendeau), Fried acknowledged that it may well be difficult for Russia to engage Georgia directly on a Gudauta solution. The U.S. would be prepared to work with the Georgians to identify alternative facilities in the region that Russia could use to support its PKF. Russia could continue PKF support functions from another location, depart from Gudauta and transfer the base legally to Georgia.

In return, Tbilisi would agree to allow Russian logistics support to relocate to Sukhumi, or another facility in Abkhazia. We would encourage Georgia to reiterate its commitment to a peaceful solution to the conflicts and provide assurances regarding its intentions concerning Gudauta. Transparency steps, including a expert visit to the facility, would be part of the approach.

¶14. (C) Kislyak tried to poke holes in the proposal by

suggesting that a fact-finding mission to Gudauta without a clear mandate has been done before and is a "futile exercise." Kislyak also noted that Russia needed Georgia to guarantee the legal status of its PKF in Abkhazia before it could agree to any legal transfer of bases. How could Russia be certain Georgia would not try to throw Russia out of a new facility if the PKF left Gudauta? Finally, Kislyak countered that Gudauta is not serving as a military base, but only a "logistical support facility" for the Russian PKF.

¶15. (C) Fried responded that the decision should be even easier for Russia, since Gudauta only supports a logistical facility and Gudauta is actually further away from the conflict zone than Sukhumi. He reminded Kislyak that Russia has already completed most of its Istanbul Commitments concerning Georgia, and Russia should not allow one relatively minor issue to stand in the way of A/CFE. Kislyak agreed to study the proposal to relocate the PKF to Sukhumi, or elsewhere in Abkhazia.

Other Elements of Possible Package

¶16. (C) At the end of the two-hour meeting Fried summed up his vision of a possible package approach that would allow Russia and NATO to agree on the parallel actions approach.

-- Agreement on steps leading to fulfillment of remaining Russian commitments on Moldova and Georgia

-- A discussion of the meaning of the term "substantial combat forces" in the NATO-Russia Founding Act;

-- As an alternative to the Russian proposal for provisional application of the A/CFE Treaty, the USG was willing to explore with Allies the possibility of a political commitment that no State Party would take any action inconsistent with the A/CFE. (Kislyak dismissed this idea as implicit in signature of the A/CFE Treaty).

-- As an alternative to Russia's desire for a collective ceiling on NATO, which Fried rejected as incompatible with the new European security environment and with the Adapted CFE Treaty's post-Cold War structure, Fried said the U.S. could discuss with Allies the idea of possible modifications to equipment ceilings after entry into force of the Adapted Treaty. .

-- In response to Kislyak's concern that Russia needed more than a promise to discuss the flank limitations for Russia, Fried made three points: the flank is an essential part of the Treaty and important for stability in a region of tension; the idea that the flank would disappear for Russia but be retained for Russia's neighbors was a non-starter, particularly unrealistic to the extent that Russia wanted the Baltic States to join CFE subject to flank restrictions; Parliaments were unlikely to ratify a Treaty whose core limitations were subject to renegotiation and would laugh at a political commitment to abolish the flanks for Russia, which Russia has demanded. He observed that NATO Allies had already indicated they would be prepared to consider proposals by Russia to revise its flank limits in response to genuine military needs, as States Parties had already done twice in the past. We could envision a political commitment to review the operation of the Adapted Treaty after it entered into force, and this would encompass the flank.

Russia Says December 12 Deadline Not "End of the World"

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¶17. (C) Fried warned Kislyak that if Russia suspends implementation of the current CFE Treaty on December 12, this would seriously erode the entire CFE architecture structure. Allies would not be in a position to ratify

A/CFE, and countries such as Armenia and Azerbaijan may be tempted to build up rapidly their conventional arms. Kislyak asserted that the December 12 deadline "is not the end of the world." Russia's aim is not to pull out of CFE or destroy the regime, Kislyak asserted. Rather, Russia is trying to achieve entry into force of the A/CFE with changes that were long overdue. Kislyak stated that one reason why Russia did not want to fully withdraw from the treaty is because Russia wants the United States to join the A/CFE. Fried and Edelman noted that if CFE limitations went away for Russia, they would erode for all, and Russia should think this through.

¶18. (C) Kislyak assured Fried that, should the December 12 deadline pass without a resolution, Russia does not plan to change its force posture, "unless provoked." Kislyak said that he has heard "rumors" that NATO countries have threatened to redeploy their troops, and warned against such actions. Fried and Edelman denied any such rumors.

¶19. (C) Kislyak explained that because the State Duma ratified the CFE Treaty, it must pass a law in order for Russia to withdraw from it. Kislyak thought that the Duma would take up the bill ratifying Putin's moratorium decree, which also gives him authorization to retract the moratorium, by November 1. Kislyak said he expected the bill to pass without difficulty, as it "was very popular," and suspension would most likely occur in December. Fried reiterated that the suspension would not have the effect Russia claimed to seek: by suspending implementation of CFE, Russia would damage NATO Allies' ability to move forward on ratification of A/CFE, and Russia would be blamed for eroding a major treaty that the U.S. and all of Europe -- including Russia -- considered a pillar of European security and political cooperation.

Agreed To Keep Talking

¶20. (C) Kislyak expressed his appreciation for the United States' resolve to find a solution to the impasse on CFE, noting that the U.S. proposals were "inching in the right direction." Fried stressed that the U.S. was not presenting "take it or leave it" proposals, and the U.S. remained willing to work with Russia to reach an acceptable outcome.

¶21. (C) A/S Fried cleared this cable.
Burns